

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION No. 1372 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

=====

1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
?

=====

DHARSIJI VIHAI THAKORE - Applicant(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

=====

Appearance :

MR MEHUL H RATHOD for Applicant(s) : 1,
MR MR MENGDE, ADDL. PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2 - 3.

=====

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 29/08/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the
Constitution of India, the petitioner has prayed
for an appropriate writ, direction and/or order
directing the respondent authorities to take

immediate action to complete investigation and to find out the minor daughter of the petitioner and to arrest all the accused persons who are responsible for commissioning offences registered vide I CR no. 32 of 2006 registered before Deodar Police Station.

2. It appears that earlier the grievance by the petitioner was that the concerned officers are not investigating the said complaint seriously and in a right direction and no efforts were made to find out the minor daughter of the petitioner. At that stage, this Court intervened and issued various directions and on considering the subsequent reports by the I.O., it appears to the Court that all efforts are made by the concerned Investigating Officer to trace and find out the minor girl of the petitioner inclusive of giving publication in the media electronic as well as newspapers and even the suspected accused were also subjected to Lie Detector Test and on the basis of that also further investigation was carried out. Under the circumstances, it cannot be said that the concerned Investigating Officer is now not investigating the case with seriousness.
3. Shri Rathod, learned advocate appearing for the petitioner has submitted that even considering the subsequent development and the investigation also, it cannot be said that there is no

seriousness on the part of the concerned Investigating Officer to investigate and find out the minor daughter of the petitioner. However, it is unfortunate that till date, inspite of all the efforts by the Investigating Officer and all others, the minor daughter of the petitioner is not traced and find out. Under the circumstances and in view of the above, while disposing of the present petition, the concerned Investigating Officer and other concerned officers are directed to continue the investigation and inquiry and make efforts to find out the minor daughter of the petitioner. Shri Mehul Rathod, learned advocate appearing for the petitioner has submitted that if the matter is adjourned for four weeks and the report from the concerned Investigating Officer would call for, it would be better. However, considering the facts stated above that all the efforts were made by the concerned Investigating Officer and the concerned respondents to find out the minor daughter of the petitioner, it will not be proper to keep the present petition pending, however, the concerned Investigating Officer is directed to submit further progress / report in the investigation before this Court on completion of two months at the first instance and report to this Court. As and when such report is submitted by the concerned Investigating Officer, Office is directed to place the same before this Court. It will always

be open for the petitioner to approach the concerned Investigating Officer, if further information is received by the petitioner and the concerned Investigating Officer to consider the same also in further investigation.

4. With this, present petition is disposed of.

[M.R.Shah, J.]

kdc